



CONSTITUTIONAL LAW IN A NUTSHELL

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PREFACE

This short book on constitutional law has been written with two purposes -- and two audiences -- in mind. The primary audience is students in law and political science who are coming to the subject for the first time. In a very real sense, the pages that follow are drawn from the notes I have developed to teach constitutional law to first and upper year students at the University of Toronto, Faculty of Law. After ten years of experimenting with different approaches and ideas, this book represents what I believe to be the easiest, most accessible, and most coherent way to introduce students to this subject.

The second objective I had, in writing up the way I have come to understand the rules of constitutional law, is to contribute to a very lively debate which students and teachers are having about both the conceptual integrity and normative justification of this body of law. Although it is written in a style which is intended to make the subject interesting and meaningful to students who have little or no background in the law, the subject matter and content of the book builds on and is intended to be responsive to a rich literature which probes both the coherence and the moral basis of the idea of empowering courts -- the third branch of government -- to sit in judgment on the decisions of the other two. In the final analysis, this book is directed to all of my colleagues who, for one reason or another, and in different ways and to different degrees, have abandoned the idea that there is an independent, objective and determinate idea which makes the concept of law an intelligible one.

Writing any book requires the support and assistance of many people. A book which has been in the making for almost ten years means my indebtedness is that much greater. My students over these years have been unfailingly patient and resourceful in assisting me find the best way to come at the material. My colleagues at the law school have been uniformly supportive in the encouragement and help they have provided. Robert Howse, Patrick Macklem, Dick Risk and Bob Sharpe all read parts of the manuscript and made many helpful suggestions. Virgil Duff guided the manuscript through to publication with a calmness and

kindness for which I am most appreciative. And, once again, friends and family have tolerated all of the interruptions and eccentricities projects like this carry in their wake. Special thanks, for helping out in ways and to degrees that go beyond what either professionalism or friendship could legitimately expect, to Chris Black, Brian Langille, Ninette Kelley, Merrill Randell and Michael Trebilcock.

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